

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION**

JESSE ESCAMILLA, as Special
Administrator of the Estate of
TELESFORA ESCAMILLA, deceased,

Plaintiff,

v.

No.

AMAZON.COM, LLC;
AMAZON.COM.DEDC, LLC;
SMX AMAZON DCH 1;
AMAZON LOGISTICS, INC.;
DCH INPAX, LLC;
INPAX SHIPPING SOLUTIONS, INC.;
INPAX SHIPPING SOLUTIONS, INC.
d/b/a DCH INPAX, LLC; and
VALDIMAR C. GRAY, Individually, and as
Agent, Servant and/ or Employee of
AMAZON.COM, LLC;
AMAZON.COM.DEDC, LLC;
SMX AMAZON DCH 1;
AMAZON LOGISTICS, INC.;
DCH INPAX, LLC;
INPAX SHIPPING SOLUTIONS, INC.;
INPAX SHIPPING SOLUTIONS, INC.
d/b/a DCH INPAX, LLC;

Defendants.

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CALENDAR/ROOM B
TIME 00:00/
PI Other

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FILED-1
2017 JAN-4 PM 12:15
CIRCUIT COURT OF COOK COUNTY ILLINOIS
LAW DIVISION

COMPLAINT AT LAW

WRONGFUL DEATH

Now comes the Plaintiff, JESSE ESCAMILLA, as Special Administrator of the Estate of TELESFORA ESCAMILLA, deceased, by and through his attorneys, Goldberg, Weisman & Cairo, Ltd., and complaining of the Defendants, AMAZON.COM, LLC, AMAZON.COM.DEDC, LLC, SMX AMAZON DCH 1, AMAZON LOGISTICS, INC., DCH INPAX, LLC, INPAX SHIPPING SOLUTIONS, INC., INPAX SHIPPING SOLUTIONS, INC. d/b/a DCH INPAX, LLC, and VALDIMAR C. GRAY, individually and as Agent, Servant and/or Employee of AMAZON.COM, LLC, AMAZON.COM.DEDC, LLC, SMX AMAZON DCH 1, AMAZON LOGISTICS, INC., DCH INPAX, LLC, INPAX SHIPPING SOLUTIONS, INC., INPAX SHIPPING SOLUTIONS, INC., d/b/a DCH INPAX, LLC; and each of them, and states as follows:

1. On December 22, 2016, the Plaintiff's decedent, TELESFORA ESCAMILLA, was walking westbound on 28th street in a pedestrian crosswalk, crossing Drake Avenue, in the City of Chicago, County of Cook, and State of Illinois.

2. At the aforesaid time and place, the Defendant, VALDIMAR C. GRAY, was operating a Nissan NV 1500 Cargo Van, traveling westbound on 28th Street and made a left hand turn, southbound onto Drake Avenue, wherein he violently struck the Decedent and killed her.

3. At said time and place, the Defendant, Valdimar C. Gray, was operating the aforementioned cargo van as the agent, servant and/or employee of the Defendants, AMAZON.COM, LLC, AMAZON.COM.DEDC, LLC, SMX AMAZON DCH 1, AMAZON LOGISTICS, INC., DCH INPAX, LLC, INPAX SHIPPING SOLUTIONS, INC., INPAX SHIPPING SOLUTIONS, INC. d/b/a DCH INPAX, LLC, and each of them.

4. At the aforesaid time and place, the Defendant, Valdimar C. Gray, and the Defendants, AMAZON.COM, LLC, AMAZON.COM.DEDC, LLC, SMX AMAZON DCH 1, AMAZON LOGISTICS, INC., DCH INPAX, LLC, INPAX SHIPPING SOLUTIONS, INC., INPAX SHIPPING SOLUTIONS, INC. d/b/a DCH INPAX, LLC, by and through their agent, servant and/or employee Valdimar C. Gray, had the duty to operate the aforementioned cargo van exercising ordinary and reasonable care and caution so as not to cause injury and/or death to others, specifically, the Plaintiff's decedent, Telesfora Escamilla.

5. Despite the aforementioned duty, the Defendants, and each of them, then and there committed one or more of the following careless and negligent acts and/or omissions:

- a. Operated said motor vehicle without keeping a proper and sufficient lookout;
- b. Failed to decrease speed when special hazards existed by reason of the presence of a pedestrian in the roadway, in violation of Illinois Compiled Statutes, 2008, Chapter 625, 5/11-601(a);
- c. Failed to yield the right of way to pedestrians lawfully within, and adjacent to, a crosswalk when turning left, in violation of Illinois Compiled Statutes, 2008, Chapter 635, 5/11-306(a);
- d. Failed to exercise due care to avoid colliding with the Plaintiff, failing to stop, or to give audible warning by sounding horn, in violation of Illinois Compiled Statutes, 2008, Chapter 625, Section 5/11-1003;

- d. Failed to give audible warning with the vehicle's horn when such warning was reasonably necessary to ensure safety, in violation of in violation of Illinois Compiled Statutes, 2008, Chapter 625, Section 5/12-601(a);
- e. Proceeded at a speed which was greater than reasonable and proper with regards to traffic conditions and the use of the roadway, or which endangered the safety of persons, specifically the Plaintiff's decedent, in violation of Illinois Compiled Statutes, 2008, Chapter 625, Section 5/11-601.

6. That as a direct and proximate result of one or more of the aforestated careless and negligent acts and/or omissions by the Defendants, and each of them, the Defendants' cargo van struck with great violence, the Plaintiff's decedent, as she crossed Drake Avenue using the pedestrian cross-walk and ran her over and dragged her on the pavement causing her severe injuries ultimately resulting in her death.

7. Plaintiff's decedent, TELESFORA ESCAMILLA, left surviving her six (6) adult children:

JESSE ESCAMILLA – son

BERNARD ESCAMILLA – son

IRMA ESCAMILLA – daughter

GLORIA ESCAMILLA – daughter

LYDIA ESCAMILLA GONZON – daughter

ELEANORE ESCAMILLA - daughter

Each of the Decedent's children have and will continue to suffer great grief, sorrow, mental suffering, loss of love, support, guidance, advice, companionship, affection, financial support and other pecuniary injuries, medical and burial expenses.

8. This action is being brought for the wrongful death of TELESFORA ESCAMILLA, deceased, pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et al.

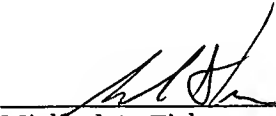
9. That by reason of the facts set forth above, JESSE ESCAMILLA, as Special Administrator of the Estate of TELESFORA ESCAMILLA, and the Estate of Telesfora Escamilla, have become obligated for and have and will pay large sums of money ~~for reasonable medical bills and~~ ^{for} funeral expenses pursuant to the Illinois Family Expense Act, 750 ILCS 65/15.

10. The Plaintiff, JESSE ESCAMILLA, has been duly appointed Special Administrator of the Estate of TELESFORA ESCAMILLA, deceased, by Order of the Circuit Court of Cook County on January 4, 2017.

WHEREFORE, the Plaintiff, JESSE ESCAMILLA, as Special Administrator of the Estate of TELESFORA ESCAMILLA, deceased, prays for a judgment against the Defendants, AMAZON.COM, LLC, AMAZON.COM.DEDC, LLC, SMX AMAZON DCH 1, AMAZON LOGISTICS, INC., DCH INPAX, LLC, INPAX SHIPPING SOLUTIONS, INC., INPAX SHIPPING SOLUTIONS, INC. d/b/a DCH INPAX, LLC, and VALDIMAR C. GRAY, and each of them, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus the costs of this suit.

Respectfully submitted,

Goldberg Weisman & Cairo



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CLERK OF THE CIRCUIT COURT - COOK COUNTY

00143267 Law-01 1/4/2017 12:17PM

ATTY: 03868 020 BENOIT

AD DAMNUM: \$50,001.00

CASE NO: 2017L000060 CALENDAR: E

COURT DATE: 0/0/0000 12:00AM

CASE TOTAL: \$598.00

12 Jurors 3 \$230.00

Automation \$25.00

Document Storage \$25.00

Law Library \$21.00

Arbitration \$10.00

Base Filing Fee 6 \$240.00

Dispute Resolution \$1.00

Court Services \$25.00

Children Waiting Rm \$10.00

Access Justice Fund \$2.00

Business \$9.00

CHURCH TOTAL: \$598.00

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